



Atty. Dkt. No 039386-2257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HAFALIA et al.
Title: KINASES AND PHOSPHATASES
Appl. No.: 10/533,523
International Filing Date: October 30, 2003
Examiner: Unassigned
Art Unit: Unassigned

RENEWED PETITIONS UNDER 37 C.F.R. §1.137(b) 37 C.F.R. §1.47(a)

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Decision on Request (copy attached), mailed September 14, 2006, in connection with the above-captioned application, reconsideration is hereby requested of Applicant's original request. By the attached petition for a three-month extension of time, Applicants have extended the period for response to February 14, 2007. Accordingly, this response is timely filed.

Applicants enclose the Declarations and Power of Attorney for the following inventors:

April J. Hafalia
Jaji Murage
Anita Swarnaker
Jayalaxmi Ramkumar
Kimberly Gietzen
Ernestine A. Lee
Joseph P. Marquis

02/15/2007 SZEWDIE1 00000006 10533523

02 FC:1464

130.00 0P

In support of this request, Applicants submit a Statement Regarding Name Change, which clarifies that inventor Narinder K. Chawla is now legally Narinder K. Walia by virtue of divorce. See note written and initialed by the inventor at the bottom of the Statement Regarding Name Change, which explains that Narinder K. Chawla's name was Narinder K. Walia until 2001, then she was married and her name changed to Narinder K. Chawla in 2001, then in 2004, she changed it back to Walia due to marriage dissolution. Applicants have now fulfilled all requirements required for the previously filed Petitions under 37 C.F.R. §1.137(b) and 37 C.F.R. §1.47(a).

In support of this request, regarding inventor Kristin D. Favero, attached is a Petition to include inventor Favero as an inventor in the above patent application, along with documentation evidencing inventor Favero's refusal to sign, and a Statement of Facts regarding telephone calls, and further research to locate inventor Favero.

In view of the foregoing, Applicants respectfully request that the previous petitions be approved.

In accordance with the Decision on Request, a three-month extension of time is enclosed. However, if any additional fees are due with this Renewed Petition, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

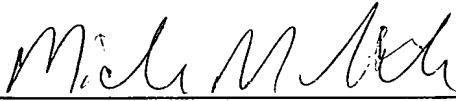
Date: February 14, 2007

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5538

Facsimile: (202) 672-5399

By 

Michele M. Simkin

Attorney for Applicants

Registration No. 34,717

STATEMENT REGARDING NAME CHANGE

NW
02/03/07

Walia

I, Narinder K. ~~Chawla~~ ~~Walia~~, hereby declare:

1. Until 2004 (Jan 2001)
(2001-2004), my legal name was Narinder K. Chawla
2. Since 2004, by virtue of my ^{divorce} marriage, my legal name has been Narinder K. ~~Chawla~~ ~~Walia~~.

NW
02/03/07 Walia

I hereby declare that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Narinder Chawla

Narinder K. Chawla

Narinder Walia

Narinder K. ~~Chawla~~ ~~Walia~~

Walia

Date: 02/03/07

- My last name was 'Walia'
until 2001.

- Changed to 'Chawla' in 2001
after my marriage

- In 2004, I changed it back
to 'Walia' due to marriage
dissolution.

NW



14 SEP 2006

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of HAFALIA et al.

Application No.: 10/533,523

PCT No.: PCT/US03/34809

Int. Filing: 30 October 2003

Priority Date: 1 November 2002

Attorney Docket No.: 039386-2257

For: KINASES AND PHOSPHATASES

DECISION ON PETITION

UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 15 May 2006, in response to a Notification of Missing Requirements. Applicant requests a one month extension of time, which is granted.

BACKGROUND

On 02 May 2005, within thirty months of the priority date (01 May 2005 was a Sunday), applicant filed a transmittal letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 14 February 2006, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) & (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 15 May 2006, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signatures of 9 inventors: April J.A. Hafalia, Jagi Murage, Anita Swarnakar, Narinder K. Chawla-Walia, Jayalaxmi Ramkumar, Kimberly Gietzen, Kristen D. Favero, Ernestine A. Lee and Joseph P. Marquis. Applicant alleges that these inventors refuse or are unavailable to sign the application. The petition included the requisite petition fee charged to applicant's deposit account and declarations signed by the joint inventors on their behalf and on behalf of nonsigning joint inventors. A statement of facts under 37 CFR 1.47(a) with regard to each nonsigning inventor was also submitted.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Item (1) is satisfied with the payment of the \$200 petition fee. Item (3) is satisfied because the last known address for each non-signing inventors was provided. With regard to Item (4), declarations executed by the available joint inventors on their behalf and on behalf of the non-signing inventors were submitted. Item (4) is satisfied.

However, for the reasons set forth below, Item (2) is not satisfied. Counsel's statement reflects the efforts she made or that were made by her legal assistant, on her behalf to support the petition under 37 CFR 1.47(a).

MPEP § 409.03(d) states that where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a *statement of facts by the person who presented the inventor with the application papers* and/or to whom the refusal was made. When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

With regard to contacting each of the above named nonsigning inventor, Attorney of Record Michele Simkin (Counsel) states that she forwarded a copy of the declaration and the above identified application. (A copy of her letter to each inventor was attached.) However, it is not clear that the application papers were presented to the inventor.

The facts with regard to inventors Hafalia, Swarnakar, Chawla, Ramkumar, Gietzen, Lee, and Marquis are similar. In each case, the application papers were allegedly delivered to the last known address of the respective inventors.¹ The Federal Express Track Shipment detail indicates that "package delivered to recipient address". There is no indication that the papers were signed for by or delivered to the inventor. This is not sufficient proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature.

Follow-up telephone calls to each inventor's last known telephone number², with the exception of inventors Swarnakar Lee and Marquis, were unsuccessful. Upon contacting directory assistance, no phone listing in *California* was found for these respective inventors. Thus, Petitioner has not provided the evidence that a copy of the application papers including the declaration were *presented to and received by each inventor*. Such evidence is needed to prove that each inventor received the papers and refuses to sign.

With regard to inventors Murage and Favero, Counsel states that she forwarded a copy of the declaration and the above identified application, but Federal Express was unable to deliver them. In each case, according to Federal Express, the inventor moved and left no forwarding address. Counsel's legal assistant attempted to telephone these inventors, however, their respective phone numbers were disconnected. Upon contacting directory assistance, no phone

¹ The application papers were allegedly delivered to Ms. Lee by Federal Express on 1 February 2006, to Mr. Marquis on 22 March 2006 and to the remaining listed inventors delivery occurred on 31 January 2006.

² Follow-up telephone calls to Ms. Swarnakar. Ms. Lee and Mr. Marquis' respective telephone numbers were unanswered, messages were allegedly left by the legal assistant and were not returned. A first hand statement from Counsel's legal assistant was not provided and would be required to provide a first hand statement of facts *detailed the specific efforts made* to contact the inventors.

listing in *California* was found for each inventor. This is insufficient evidence to conclude that the non-signing inventors are unavailable.

Section 409.03(d) states, in pertinent part: where inability to find or reach a nonsigning inventor "*after diligent effort*" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is temporarily unavailable (on vacation or out of town) to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

The statement of facts must be signed, where at all possible, *by a person having firsthand knowledge of the facts recited therein*. Statements based on hearsay will not normally be accepted. *Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.*

Petitioner has not provided evidence of the diligent efforts made to locate the whereabouts of the nonsigning inventors. A returned mailing does not demonstrate the inventors' refusal to sign the application. Since the inventors are no longer available at their last known address, details regarding the diligent efforts to contact the nonsigning inventors using Internet searches, telephone, e-mail or contacting the last known employment or the joint inventors regarding their whereabouts should be provided in a statement by a person having first hand knowledge of such search. This statement should demonstrate the diligent efforts undertaken to show the nonsigning inventors' unavailability. Petitioner has not provided sufficient evidence to conclude that the nonsigning inventors refuse or are unavailable to sign the application and thus, item (2) has not been met.

Petitioner has not yet satisfied Item (2) above and thus, the requirements of 37 CFR 1.47(a) are not satisfied at this time. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

It is noted that it appears that inventor Narinder K. Chawla has changed her name to Narinder K. Chawla-Walia. Applicant has not provided a communication from the International Bureau (Form PCT/IB/306) indicating the Recording of a Change in the name of inventor Narinder K. Chawla to Narinder K. Chawla-Walia. Applicant must provide either such communication or file a petition under 37 CFR 1.182 to accept the change in the name of the inventor. As explained in MPEP 605.04(c), applicant must provide a signed affidavit, setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. Here, applicant should submit the statement of Narinder K. Chawla regarding her respective change of name.

CONCLUSION

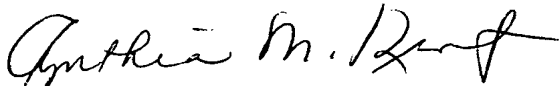
For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Application No.: 10/533,523

4

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286

Fax: (571) 273-0459



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: April J. A. HAFALIA, et al.
Title: KINASES AND PHOSPHATASES
Appl. No.: 10/533,523
International Filing Date: 10/30/2003
371(c) Date: 05/15/2006
Examiner: Unassigned
Art Unit: Unassigned
Confirmation Number: Unassigned

PETITION UNDER 37 C.F.R. § 1.47(a) – Kristen Favero

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Kristen Favero as a joint inventor of the above-identified application even though she has been unable to be located and/or refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. Below is a description of the pertinent facts explaining the refusal of Ms. Favero to join in the subject application, as well as her last known address.

1. The named inventors of the above-identified application are as follows:

April J.A. Hafalia
Soo Yeun Lee
Jaji Murage
Anita Swarnakar
Narinder K. Chawla Walia
Reena Khare
Vicki S. Elliott
Uyen K. Tran
Jayalaxmi Ramkumar
Rajagopal Gururajan
Mariah R. Baughn
Kimberly J. Gietzen
Yonghong G. Yang
David Chien
Jonathan T. Wang
Kristin D. Favero
Shanya D. Becha
Thomas W. Richardson
Pei Jin
Phillip R. Hawkins
Henry Yue
Ernestine A. Lee
Joseph P. Marquis

2. The last known address of Kristen Favero is: 1155 Bayswater Avenue, Apartment 102, Burlingame, CA 94010-4303.
3. The following attempts were made to contact Ms. Favero to inform her that her signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.

- a. On October 30, 2006, a copy of the above-referenced application and a Declaration complying with 37 C.F.R. § 1.63, was sent to Ms. Favero from Michele Simkin, attorney for the applicants, via Federal Express. A letter was included requesting that she return the signed documents as soon as possible. Also included was a prepared return Federal Express label to ease Ms. Favero's return of the documents. The letter and package was returned by Federal Express, who indicated that Ms. Favero had moved and left no forwarding address. Copies of the January 30, 2006 letter, Federal Express Tracking Sheet

(Tracking No. 857687001418), indicating that this package was returned to shipper is attached.

b. On January 4, 2007, the October 30, 2006 letter, Declaration and the above-referenced application was again sent to Ms. Favero via Federal Express, also included was an addressed Federal Express invoice for ease in returning the documents. On January 11, 2007, the Federal Express package was returned. (Tracking No. 857687001565).

c. On January 16, 2007, Stella Walker, a legal assistant employed by Foley and Lardner LLP, performed internet searches for a correct address and telephone number for Ms. Favero (see attached Statement indicating the search details).

d. As of the date of this petition, no signed documents regarding the above-captioned application have been received from Ms. Favero.

4. In view of the attempts made to contact Ms. Favero to execute the Declaration in connection with the subject application, it is apparent that Ms. Favero is unable to be located to sign the Declaration. Therefore, in accordance with 37 C.F.R. § 1.47(a), the undersigned petitions the U.S. Patent and Trademark Office to accept the accompanying Declaration complying with 37 C.F.R. § 1.63 executed by the other joint inventors of this application.

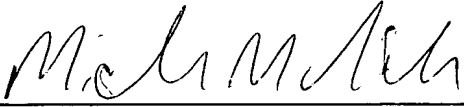
The fee for this Petition is \$130.00. A credit card payment for this amount is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like

so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

By 

Date: February 14, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: HAFALIA et al.
Title: KINASES AND PHOSPHATASES
Appl. No.: 10/553,523
Filing Date: October 30, 2003
Examiner: Unassigned
Art Unit: Unassigned

AFFIDAVIT OF STELLA WALKER


I, Stella Walker, do hereby declare:


I am an employee of Foley & Lardner LLP and currently hold the title of Legal Assistant. My duties at Foley & Lardner LLP include preparing and acquiring the execution of Declarations and Assignments needed for the prosecution of patent applications.

I declare that I attempted to contact Ms. Kristin Favero by telephone on January 16, 2007, at 12:29 p.m., and the telephone number was answered by an answering machine in the Spanish language. I left a message on the answering machine, with my telephone number, and requested that Ms. Favero return my telephone call in reference to signing documents referencing the above patent application. I also informed Ms. Favero that we have sent several Federal Express packages enclosing the Declaration, Assignment, and a copy of the above patent application, which have been returned. See attached Federal Express Shipping Information. **To date, no telephone call has been returned.**

I have searched on P-Trak to confirm that Ms. Favero's current address and telephone number are correct. See attached Personal Locator for P-Trak, confirming that the last known address and telephone number are correct.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Signature
2/14/2007
Date

Source: [Public Records > People, Business & Asset Locators > P-TRAK Person Locator - Nationwide](#) 

Terms: **first-name (kristen) and last-name (favero) and state (ca)** ([Edit Search](#) | [Suggest Terms for My Search](#))

FAVERO, KRISTIN DEANNE

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY

PERSON LOCATOR - P-TRAK

Name: FAVERO, KRISTIN DEANNE

Also Known As:

FAVERO, KRISTIN; FAVERO, KRISTEN

Social Security Number: 625-03-XXXX

Address:

1155 BAYSWATER AVE APT. 102

BURLINGAME, **CA** 94010-4303

Address Updated: 9/1/2005

Previous Addresses:

1660 GORDON ST APT. 35

REDWOOD CITY, **CA** 94061-2828

Address Updated: 11/23/2004

1056 CONTINENTALS WAY APT. 27

BELMONT, **CA** 94002-3146

Address Updated: 2/25/2004

24221 MOUNTAIN CHARLIE RD

LOS GATOS, **CA** 95033-8530

Address Updated: 12/1/1999

6750 EL COLEGIO RD APT. 210

GOLETA, **CA** 93117-4271

Address Updated: 8/1/1995

Birthdate: 7/1973 (408)

Telephone: 438-1410

On File Since: 9/1/1995

Source: [Public Records > People, Business & Asset Locators > P-TRAK Person Locator - Nationwide](#) 

Terms: **first-name (kristen) and last-name (favero) and state (ca)** ([Edit Search](#) | [Suggest Terms for My Search](#))

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Tracking number
Ship date

857687001565
Jan 4, 2007

Reference
Service type

39386-2257
Priority Envelope

Wrong Address?
Reduce future mistal
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Status

Delivery exception

**Tracking a FedEx Sr
Shipment?**
[Go to shipper login](#)

<i>Date/Time</i>	<i>Activity</i>	<i>Location</i>	<i>Details</i>
Jan 11, 2007	10:44 AM Package returned to shipper	SOUTH SAN FRANCISCO, CA	Return tracking number: 670466936437
	6:05 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
Jan 10, 2007	6:06 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
Jan 9, 2007	5:45 PM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	9:32 AM Delivery exception	SOUTH SAN FRANCISCO, CA	Customer not available or business closed
	7:46 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
Jan 8, 2007	5:34 PM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	9:40 AM Delivery exception	SOUTH SAN FRANCISCO, CA	Customer not available or business closed
	7:41 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
Jan 5, 2007	5:55 PM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	9:47 AM Delivery exception	SOUTH SAN FRANCISCO, CA	Customer not available or business closed
	8:19 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
	6:53 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	5:51 AM At dest sort facility	SAN FRANCISCO, CA	
	5:01 AM Departed FedEx location	MEMPHIS, TN	
Jan 4, 2007	11:46 PM Arrived at FedEx location	MEMPHIS, TN	
	9:13 PM Left origin	WASHINGTON, DC	
	7:30 PM Picked up	WASHINGTON, DC	

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Tracking number 857687001418
Signed for by Signature release on file
Ship date Oct 30, 2006
Delivery date Oct 31, 2006 9:13 AM
Status Delivered

Reference 39386-2257
Delivered to Residence
Service type Priority Envelope

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Reduce future mistal
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**Tracking a FedEx Sr.
Shipment?**
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Date/Time	Activity	Location	Details
Nov 7, 2006	1:41 PM Package returned to shipper	SOUTH SAN FRANCISCO, CA	Return tracking number: 670466909455
Oct 31, 2006	9:13 AM Delivered		Left at front door. Package delivered to recipient address - release authorized
	7:23 AM On FedEx vehicle for delivery	SOUTH SAN FRANCISCO, CA	
	6:48 AM At local FedEx facility	SOUTH SAN FRANCISCO, CA	
	5:41 AM At dest sort facility	SAN FRANCISCO, CA	
	4:18 AM Departed FedEx location	MEMPHIS, TN	
Oct 30, 2006	9:55 PM Left origin	WASHINGTON, DC	
	7:42 PM Picked up	WASHINGTON, DC	

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<input type="text"/>	English <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

October 30, 2006

FOLEY & LARDNER LLP
ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET, N.W., SUITE 5
WASHINGTON, D.C. 20007-514
202.672.5300 TEL
202.672.5399 FAX
www.foley.com

WRITER'S DIRECT LINE
202.672.5538
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER
039386-2257

VIA FEDERAL EXPRESS DELIVERY

Kristin D. Favero
1155 Bayswater Avenue
Apartment 102
Burlingame, CA 94010-4303

Re: U.S. National Stage of Application No.: PCT/US03/34809
Title: KINASES AND PHOSPHATASES
Inventor(s): April J.A. Haflija et al.
Our Ref.: 039386-2257
Incyte Ref.: PF-1617 PCT


Dear Ms. Favero:

Further to our previous letter dated January 30, 2006, we ask that you please sign and date the enclosed Declaration and Assignment, and return these documents to us in the enclosed self-addressed Federal Express envelope as soon as possible.

Please make any corrections and/or additions necessary on the Declaration and Assignment and initial and date where corrections are needed.

We greatly appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact us.

Very truly yours,


Michele M. Simkin

MMSC/smw
Enclosures

002.1408228.1

BRUSSELS
CHICAGO
DETROIT
JACKSONVILLE
WASH_1713835.1

LOS ANGELES
MADISON
MILWAUKEE

ORLANDO
SACRAMENTO
SAN DIEGO
SAN DIEGO/DEL MAR

SAN FRANCISCO
SILICON VALLEY
TALLAHASSEE

TAMPA
TOKYO
WASHINGTON, D.C.
WEST PALM BEACH



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

KINASES AND PHOSPHATASES

(Attorney Docket No. 039386-2257)

the specification of which (check one)

 is attached hereto.

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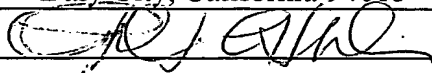
I request that all correspondence be directed to:

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Telephone: (202) 672-5538
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Joseph P. Marquis

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United States

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4903 Oakhill Circle
Rensselaer, NY 12144-8811

Inventor's signature

Date



DECLARATION AND POWER OF ATTORNEY

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(Attorney Docket No. 039386-2257)

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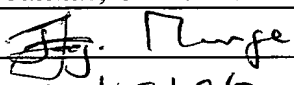
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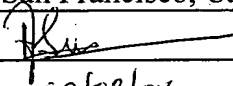
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KINASES AND PHOSPHATASES

(Attorney Docket No. 039386-2257)

the specification of which (check one)

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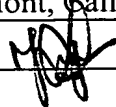
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Name of inventor 23	Joseph P. Marquis
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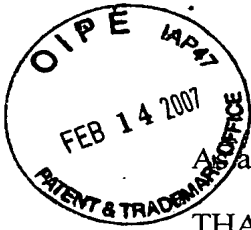
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Date	<i>Oct 31 2006</i>

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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

KINASES AND PHOSPHATASES

(Attorney Docket No. 039386-2257)

the specification of which (check one)

 is attached hereto.

 X was filed on 10/30/2003 as United States Application Number or PCT International Application Number PCT/US03/34809 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/423,226	11/01/2002
60/426,713	11/15/2002
60/429,766	11/26/2002
60,447,043	02/11/2003

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the registered attorneys and agents at Customer Number

22428

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Michele M. Simkin
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I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Date	11/15/06